IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 727 OF 2006 (M/S)

Zahid Hussain son of Sri Sabir Hussain, R/o Mohalla Ganj, Ghas Mandi, Kashipur, Tehsil Kashipur, district Udham Singh Nagar.

…..Petitioner

Versus

1. Additional District Judge/Fast Track Court, Kashipur, district U.S.Nagar.
2. Civil Judge (Junior Division), Kashipur, district U.S.Nagar.
3. Abdul Ajeej son of Sri Karim Baksh, R/o Mohalla Vijay Nagar, Nai Basti, Kashipur, district U.S. Nagar.
4. Abdul Lateef son of Sri Karim Baksh, R/o Mohalla Vijay Nager, Nai Basti, Kashipur, district U.S.Nagar.

……Respondents.

Sri Rajendra Dobhall, Advocate for the petitioner.
C.S.C. for respondent No. 1 and 2.

Dated : June 15, 2006.

HON'BLE RAJESH TANDON, J.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 20.5.2006 and 20.7.2006 passed by the Additional District Judge as well as the Civil Judge (Junior Division), district Udham Singh Nagar.

Briefly stated, a suit was file by respondent No.3 and 4 praying for cancellation of the sale deed dated 23.7.2004 executed by Abdul Shaqoor in favour of the petitioner. Alongwith the suit an application for interim injunction under Order XXXIX rule 1 CPC was also filed. On 20.7.2005 the Presiding Officer, i.e. Civil Judge (Junior Division) passed the order of injunction not to interfere in the possession or to transfer the property, whatsoever, during the pendency of the suit. The petitioner has filed an appeal. The said appeal has been dismissed on the ground that earlier there has been an agreement dated 15.3.1995 in favour of the plaintiff-

respondents and lateron the said deed has been executed in favour of the petitioner.

In view of the aforesaid facts and circumstances, suit of the plaintiff- respondents is directed to be disposed of within a period of six months from the date of filing of the certified copy of the order. However, during this period the parties are directed to maintain status quo on the spot.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J)

15.6.2006.
Negi.